

# SENATE JOURNAL

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## IDAHO LEGISLATURE

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**EIGHTY-FIFTH LEGISLATIVE DAY**  
**MONDAY, APRIL 4, 2005**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 1:30 p.m.

Roll call showed all members present except Senators Andreason and Williams, absent and formally excused by the Chair; and Senators Burkett, Cameron, Pearce, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by April Palmer, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 1, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Burkett, Cameron, and Pearce were recorded present at this order of business.

April 1, 2005

The FINANCE Committee reports out **H 395**, **H 396**, and **H 397** with the recommendation that they do pass.

CAMERON, Chairman

**H 395**, **H 396**, and **H 397** were filed for second reading.

April 1, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **H 399** and **HCR 28** with the recommendation that they do pass.

SCHROEDER, Chairman

**H 399** was filed for second reading.

**HCR 28** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

April 1, 2005

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1074**, as amended, **S 1165**, **S 1200**, **S 1202**, **S 1203**,  
**S 1204**, **S 1205**, **S 1206**, **S 1207**, **S 1208**, **S 1209**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

April 1, 2005

Mr. President:

I return herewith **S 1171**, as amended, which has passed the House.

JUKER, Chief Clerk

**S 1171**, as amended, was referred to the Judiciary and Rules Committee for enrolling.

April 1, 2005

Mr. President:

I return herewith Enrolled **S 1170**, as amended, **S 1198**, **S 1197**, as amended, **SJM 109**, **S 1229**, **S 1231**, **S 1232**, **S 1233**, **S 1234**, and **SCR 110** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1170**, as amended, **S 1198**, **S 1197**, as amended, **S 1229**, **S 1231**, **S 1232**, **S 1233**, and **S 1234** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SJM 109** and **SCR 110** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

Senator Sweet was recorded present at this order of business.

The President Pro Tempore announced that **HJM 5**, having been held, was before the Senate for final consideration.

Moved by Senator Brandt, seconded by Senator Darrington, that **HJM 5** be adopted. The question being, "Shall the memorial be adopted?"

Roll call vote was requested by Senators Little, Davis, and Werk.

Roll call resulted as follows:

AYES--Brandt, Broadsword, Cameron, McKenzie, Pearce, Sweet. Total - 6.

NAYS--Andreason, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 28.

Absent and excused--Williams. Total - 1.

Paired and voting included in roll call:

AYE - Cameron                      NAY - Andreason

Total - 35.

Whereupon the President Pro Tempore declared that the Senate had failed to adopt **HJM 5** and ordered the memorial returned to the House.

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HCR 28** were suspended and the resolution was placed before the Senate for consideration at this time.

The President Pro Tempore announced that **HCR 28** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Cameron, seconded by Senator Stennett, **HCR 28** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**H 399**, by Ways and Means Committee, was read the second time at length and filed for third reading.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 395** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 395** was read the second time by title and the third time at length, section by section, and put upon its final passage.

The President Pro Tempore called Senator McGee to the Chair.

**H 395** was read the second time by title and the read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Moved by Senator Werk, seconded by Senator Marley, that **H 395** be referred to the Fourteenth Order of Business for amendment.

The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Werk, Stennett, and Marley.

Roll call resulted as follows:

AYES--Burkett, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

NAYS--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet. Total - 25.

Absent and excused--Andreason, Williams. Total - 2.

Total - 35.

Whereupon the Acting President declared that the motion did not prevail.

The question being, "Shall **H 395** pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Sweet. Total - 21.

NAYS--Burkett, Coiner, Compton, Gannon, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stegner, Stennett, Werk. Total - 12.

Absent and excused--Andreason, Williams. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 395** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 396** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 396** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 396** was read the second time by title and the read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet. Total - 23.

NAYS--Burkett, Coiner, Compton, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 10.

Absent and excused--Andreason, Williams. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 396** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 397** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 397** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 397** was read the second time by title and the read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai,

Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 33.

NAYS--None.

Absent and excused--Andreason, Williams. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 397** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

#### Messages from the House

April 4, 2005

Mr. President:

I return herewith **S 1158**, as amended, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by President Pro Tempore Geddes, granted by unanimous consent, **S 1158**, as amended, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

April 4, 2004

Mr. President:

I return herewith **S 1147**, as amended, which has failed to pass the House.

JUKER, Chief Clerk

**S 1147**, as amended, was ordered filed in the office of the Secretary of the Senate.

April 4, 2005

Mr. President:

I return herewith **S 1235**, **S 1236**, **S 1191**, as amended, **S 1237**, **S 1238**, **SJM 111**, **S 1173**, as amended, **SCR 119**, and **SJM 112** which have passed the House.

JUKER, Chief Clerk

**S 1235**, **S 1236**, **S 1191**, as amended, **S 1237**, **S 1238**, **SJM 111**, **S 1173**, as amended, **SCR 119**, and **SJM 112** were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

The Acting President announced that the House amendments to **S 1158**, as amended, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1158**, as amended, as amended in the House?"

On motion by President Pro Tempore Geddes, seconded by Senator Cameron, the Senate concurred by voice vote in the House amendments to **S 1158**, as amended, as amended in the House.

**S 1158**, as amended, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 3:40 p.m. until the hour of 10 a.m., Tuesday, April 5, 2005.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary